

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

W.P.NO.16594 OF 2000

Date: 27.07.2005

Between:

Nadiminti Narayana Rao and others

..... Petitioners

and

The Commissioner, Rajahmundry Municipal Corporation, Rajahmundry and
another.

..... Respondents

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

W.P.NO.16594 OF 2000

ORDER:

The owners of plots in Sri Sai Chaitanya Nagar, Morampudi Road, Rajahmundry filed the writ petition assailing the action of the first respondent in using the open space park area in the approved lay out in R.S.No.370/2 of Sri Sai Chaitanya Nagar, Rajahmundry for construction of a building and consequently directing the respondents to drop all further proceedings in respect of use of open space in the approved lay out for the purpose of construction of a building.

The petitioners claim that they own the houses and plots in Sri Sai Chaitanya Nagar, Morampudi Road, Rajahmundry and there is a vacant site earmarked for the purpose of park in their lay out. While so, the first respondent is trying to hand over the said open space to the second respondent for the purpose of construction of a building for using the same as a godown. Though they submitted representation to the first respondent not to defeat the purpose of the open space earmarked, the same was unattended to. Hence, the petitioners filed this writ petition seeking necessary directions to the respondents.

Though the writ petition is pending consideration from 2000, the respondents have not chosen to file the counter-affidavit.

Therefore, considering the facts and circumstances stated in the affidavit and as per the Municipal Corporation of Hyderabad (Lay Out) Rules, 1965, once the lay out is sanctioned under Rule 11, the same cannot be altered at a later stage. Therefore, the Corporation has no authority to alienate the land or change the use of the public park for construction of a building. Hence, the proposed action of the first respondent is held to be illegal and contrary to the Rules.

The writ petition is, therefore, allowed. There shall be no order as to costs.

27.07.2005

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